

Below is the zoning table which lists permitted, conditional uses, special uses, footnotes and prohibited uses within the C-3 and M-2 zoning districts. I have selected only the footnotes listed for uses within the C-3 and M-2 zones. The number in the far left hand column are also listed in Attachment 3 land use category descriptions, the last three digits of the Section numbers, for only the industrial uses. I am only providing the land use descriptions for the industrial uses because some of these uses, for example warehousing, may not be appropriate for the M-5 zoning district.

15.305.010 Classification of uses.

The zoning use table under NMC 15.305.020 identifies the land uses that are allowed in the various zoning districts. The specific land use categories are described in Chapter 15.303 NMC. The table identifies each use as one of the following:

- P Permitted Use. The use is a permitted use within the zone. Note that the use still may require design review, building permits, or other approval in order to operate.
- C Conditional Use. A conditional use permit is required for the use. See Chapter 15.225 NMC.
- S Special Use. The use is subject to specific standards as identified within this code. The applicable section is included in the last column of the table.
- (#) A note indicates specific limits on the use. These notes are listed at the bottom of the table.
- X Prohibited Use. The use is specifically prohibited.

If none of the codes above are indicated, then the use is not permitted within the zone.

15.305.020 Zoning use table – Use districts.

#	Use	C-3	M-2	Notes and Special Use Standards
100	AGRICULTURAL USES			
Def.	Horticulture	P(1)	P(1)	
Def.	Livestock and poultry farming	X	X	

#	Use	C-3	M-2	Notes and Special Use Standards
Def.	Home gardening	P	P	
Def.	Home livestock and poultry raising			NMC Title 6
200	RESIDENTIAL USES			
Def.	Dwelling, single-family detached	C(5)		Subject to density limits of NMC 15.405.010(B)
Def.	Dwelling, single-family attached	C(5)		NMC 15.415.050; subject to density limits of NMC 15.405.010(B)
Def.	Manufactured home on individual lot			NMC 15.445.050 – 15.445.070; subject to density limits of NMC 15.405.010(B)
Def.	Manufactured dwelling park			NMC 15.445.075 – 15.445.160
Def.	Mobile home park			NMC 15.445.075 – 15.445.160
Def.	Manufactured home subdivision			NMC 15.445.075 – 15.445.160
Def.	Dwelling, two-family (duplex)	P(8)/C(5)		Subject to density limits of NMC 15.405.010(B)
Def.	Dwelling, multifamily	P(8)/C(5)		Subject to density limits of NMC 15.405.010(B)
Def.	Dwelling, accessory	C		Chapter 15.445 NMC, Article V
Def.	Dwelling, mixed use	P(8)/C(5)	C	
Def.	Dwelling, caretaker		P	Limited to one per lot, and allowed whenever the use requires the on-site residence of such person.
Def.	Dormitory			
Def.	Home occupation (no more than one outside paid employee)	S(13)	S(13)	NMC 15.415.060
Def.	Home occupation (more than one outside paid employee)	C(13)	C(13)	NMC 15.415.060
310	INSTITUTIONAL CARE AND HOUSING			
Def.	Family child care home	P(13)		ORS Chapter 657A
312	Day care	P	C	ORS Chapter 657A
Def.	Residential care home (5 or fewer people)	P(13)		ORS 197.665
Def.	Residential care facility (6 – 15 people)	C		ORS 197.665
315	Group care facility (16+ people)			
316	Hospital	P		
Def.	Prison		C	
320	ASSEMBLY			
321	Religious institution, place of worship	P	P(29)	

#	Use	C-3	M-2	Notes and Special Use Standards
322	Private club, lodge, meeting hall	P		
330	SCHOOLS			
330	School, primary or secondary			
331	College	P(15)		
332	Commercial educational services	P		
340	PARKS AND OPEN SPACES			
341	Open space	P	P	
342	Park	P		
Def.	Golf course			
350	PUBLIC SERVICES			
351	Community services	P		
352	Emergency services	P	P	
Def.	Pound, dog or cat	C	P	
Def.	Cemetery	C	C	ORS Chapter 97.46
360	TRANSPORTATION			
Def.	Transportation facilities and improvements	P	P	
Def.	Transit center	P	P	
Def.	Parking facility	P(18)	P	
Def.	Airport, landing field		C	
Def.	Helipad, helipad	C	C	
Def.	Marina			
	Pilings, piers, docks, and similar in-water structures			
370	UTILITIES			
Def.	Basic utilities	P	P	
Def.	Utility distribution plant or yard		P	
Def.	Wastewater treatment plant		C	
Def.	Telecommunication facility incorporated into existing structure/utility pole and no taller than 18 feet above existing structure/utility pole	S	S	Chapter 15.445 NMC, Article IV
Def.	Telecommunication facility, including radio towers and transmitters, which are 100 feet or less in height, except those incorporated into an existing structure no taller than 18 feet above that structure	C	S(19)	Chapter 15.445 NMC, Article IV
Def.	Telecommunication facility, including radio towers and transmitters, which are over 100 feet	C	C	Chapter 15.445 NMC, Article IV
400	COMMERCIAL USES			
410	COMMERCIAL OFFICES			

#	Use	C-3	M-2	Notes and Special Use Standards
411	Medical office	P(21)		
412	Local business office	P(21)		
420	COMMERCIAL SALES			
421	Retail sales – General	P(15)/(21)	P(23)	
422	Retail sales – Bulk outdoor	C	P	
423	Retail sales – Convenience	P(21)	P(24)	
Def.	Temporary merchant	S(21)		NMC 5.15.050 et seq.
425	Retail food and beverage production	S		Chapter 15.445 NMC, Article VIII
430	EATING AND DRINKING ES			
430	Eating and drinking – Alcohol-related	P(21)		Requires liquor license
430	Eating and drinking – Non-alcohol-related	P(21)	P	
440	COMMERCIAL SERVICES			
441	Personal services	P(21)		
442	Commercial services	P(21)		
443	Commercial vehicle service	C	P	
Def.	Kennel, commercial	C	P	
450	COMMERCIAL RECREATION			
451	Commercial recreation – Indoors	P(15)	P(29)	
452	Commercial recreation – Outdoors		C	
453	Commercial recreation – Motor-vehicle-related		C	
460	COMMERCIAL LODGING			
Def.	Vacation rental home	S(13)		Chapter 15.445 NMC, Article VII
Def.	Bed and breakfast (2 or fewer rooms)	S		NMC 15.445.010
Def.	Bed and breakfast (3 or more rooms)	S		NMC 15.445.010
Def.	Hotel or motel	P(15)		
Def.	Recreational vehicle park		C	NMC 15.445.170
500	INDUSTRIAL USES			
501	Traded sector industry office	P	P	
502	Industrial services		P	
503	Wholesale and industry sales		P	
504	Warehouse, storage, and distribution		P	
505	Self-service storage		P	
506	Light manufacturing		P	
507	Heavy manufacturing		P(34)	
508	Waste-related			

#	Use	C-3	M-2	Notes and Special Use Standards
600	MISCELLANEOUS USES			
Def.	Accessory building and use incidental to other permitted uses in the zone	P	P	
	Uses similar to permitted uses in the zone and not defined or categorized	P	P	
	Uses similar to conditional uses in the zone and not defined or categorized	C	C	
	Medical marijuana dispensary	P(35)	X	
	Medical marijuana processor	X	P(37)	
	Medical marijuana grow site	C	C	
	Medical marijuana wholesaler	X	P(38)	
	Recreational marijuana processor	X	P(37)	
	Recreational marijuana producer (indoor)	X	P	
	Recreational marijuana producer (outdoor)	X	C	
	Recreational marijuana retailer	P(38) /(39) /(40)	X	
	Recreational marijuana wholesaler	X	P(38)	
	Marijuana laboratories	P	P	
	Marijuana research certificate	P	P	

Key:

P: Permitted use

S: Special use – Use requires a special use permit

C: Conditional use – Requires a conditional use permit

X: Prohibited use

Notes.

(1) Limited to sites with preexisting agricultural uses, including at time of annexation.

(5) The dwelling units must front onto Hancock or Second Street. No more than 30 percent of a single street frontage of a block may be occupied by residential uses. Contiguous residential street frontage must be less than 60 lineal feet. Density and parking standards for allowable dwelling units must be met.

(8) The units must be located on the same lots as another use permitted or conditionally permitted in the C-3 zone and may not occupy the first floor storefront area (the portion of the building closest to the primary street). There shall be no density limitation. Private parking areas or garages are not required for dwelling units located within buildings in existence prior to and including June 30, 1999. Parking shall be provided for all new dwelling units within any building constructed after June 30, 1999, in private parking areas or garages on the basis of one parking space for each dwelling unit.

(13) Permitted in existing dwelling units only. New dwelling units may not be created for this use unless the dwelling unit would otherwise be allowed.

(15) Facility over 40,000 square feet gross floor area requires a conditional use permit.

(18) Parking garages are a conditional use, and must have first floor street frontage of 40 feet or less for ingress or egress. First floor development must be commercial.

(19) A conditional use permit is required if the facility is less than 2,000 feet from the nearest telecommunication facility.

(20) Businesses in the C-1 zone that have hours of operation between 10:00 p.m. and 7:00 a.m. require a conditional use permit.

(21) Drive-up service windows accessory to an existing business on the site with walk-in customer service, such as a drive-up bank window, are allowed only with a conditional use permit. Otherwise, drive-up service windows, except those in service on April 1, 2002, are prohibited. Changes in use will not be allowed.

(23) Limited to secondhand stores.

(24) Store size is limited to 2,000 square feet gross floor area.

(29) Permitted provided the structure is designed for easy conversion to industrial use, including not having fixed seating.

(34) Limited to expansion or change of existing heavy manufacturing uses.

(35) Shall not be located at the same address as a state-registered marijuana grow site, or within 1,000 feet of the real property comprising a public park, a public elementary or secondary school for which attendance is compulsory under ORS 339.020 or a private or parochial elementary or secondary school, teaching children as described in ORS 339.030(1)(a). Distance is measured in a straight line in a radius extending for 1,000 feet or less in any direction from the closest point anywhere on the boundary line of the real property comprising an existing public park, public elementary or secondary school or a private or parochial elementary or secondary school to the closest point of the premises of a dispensary. The premises consist of the dispensary building, or the portion of the building used for a dispensary. Shall not be located within 1,000 feet of another medical marijuana dispensary. Operating hours are limited to the hours between 9:00 a.m. and 10:00 p.m.

(37) Indoor use only.

(38) The use is not allowed within 1,000 feet of the real property comprising a public park, a public elementary or secondary school for which attendance is compulsory under ORS 339.020 or a private or parochial elementary or secondary school, teaching children as described in ORS 339.030(1)(a). Distance is measured in a straight line in a radius extending for 1,000 feet or less in any direction from the closest point anywhere on the boundary line of the real property comprising an existing public park, public elementary or secondary school or a private or parochial elementary or secondary school to the closest point of the premises of a recreational processor, wholesaler or retailer, or medical marijuana processor and wholesaler.

(39) One-thousand-foot separation between retailer to retailer premises and 1,000-foot separation between retailer to dispensary premises.

(40) Operating hours limited to the hours between 9:00 a.m. and 10:00 p.m.